

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSEPH ANTHONY SCAPPATORE, JR.,

Plaintiff,

-against-

WHAM-O INC., et al.,

Defendants.

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ORDER

CV 05-3049 (LDW)(ARL)

LINDSAY, Magistrate Judge:

By letter dated October 10, 2006, the plaintiff seeks an order compelling the defendants to respond to outstanding discovery demands and to appear for depositions. According to the plaintiff's counsel, his "numerous in person requests, phone requests and letter requests to defense counsel" have not been fruitful. Defendants have responded to the application by letter dated October 12, 2006. The defendants have addressed each outstanding discovery item raised by the plaintiff as well as the issue relating to depositions. According to the defendants, since receiving the plaintiff's letter application, they have conferred with plaintiff's counsel and have resolved the discovery issues raised by the plaintiff. In addition, the defendants make a joint application for any extension of the deadlines set forth in the pretrial scheduling order.

Given the defendants' representation, the plaintiff's application is denied without prejudice with leave to renew. The joint application for an extension of the deadlines is granted as follows:

December 15, 2006: All discovery (fact and expert) shall be completed by this date.

December 29, 2006: Any party seeking to make a dispositive motion shall take the first step in the motion process by this date. The parties shall refer to the individual rules of the district judge in this regard.

January 9, 2007: The final conference before the undersigned is adjourned to this date at 11:00 a.m. The parties shall electronically file the proposed joint pretrial order in advance of the final conference.

The parties are advised the District Judge Wexler has instructed that cases assigned to him be trial ready approximately one year from commencement. Accordingly, further extension of these deadlines will not be granted absent a showing of manifest injustice.

Dated: Central Islip, New York
October 13, 2006

SO ORDERED:

/s/
ARLENE ROSARIO LINDSAY
United States Magistrate Judge